

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

ROBERT WALLER,	:	APPEAL NO. C-110528
		TRIAL NO. A-1008337
Plaintiff-Appellant,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
CARL KNUCKLES d/b/a CARL	:	
KNUCKLES ROOFING COMPANY,	:	
	:	
Defendant-Appellee/Third-Party	:	
Plaintiff	:	
vs.	:	
ANTHONY RAY BARTON,	:	
	:	
Third-Party Defendant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Plaintiff-appellant Robert Waller appeals the trial court's order entering summary judgment in favor of defendant-appellee/third-party plaintiff Carl Knuckles d/b/a/ Knuckles Roofing Company.

The trial court in this case failed to adopt or modify a magistrate's decision entering judgment in favor of Knuckles on a claim brought against third-party defendant Anthony Barton. Absent this step, there was no effective judgment entered on Knuckles' claim and the magistrate's decision remained subject to change. Civ.R. 53(D)(4)(A); *Yantek v. Coach Builders*, 1st Dist. No. C-060601, 2007-Ohio-5126, ¶ 14;

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R.C. 2505.02. The court's failure to dispose of all claims in this case rendered the summary judgment order appealed from merely interlocutory. *State v. Pace*, 1st Dist. No. C-970546, 1998 Ohio App. LEXIS 2445 (June 5, 1998). We are therefore without jurisdiction over this matter. *See* R.C. 2505.02.

Accordingly, we hereby dismiss Waller's appeal.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., HENDON and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on March 21, 2012  
per order of the court \_\_\_\_\_.  
Presiding Judge